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SENSITIVE

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SUBJECT: SIERRA LEONE 2008 TIP SUBMISSION

¶1. (SBU) Sierra Leone lost momentum in the fight against trafficking in 2007. The run-up to the national elections, and the elections themselves in August and September, 2007, distracted many government officials from their duties, including on the TIP front, and their interest and attention was not regained in the months following the transition of power due to many other pressing and basic needs. While the Ministry of Social Welfare, Gender, and Children's Affairs and the Sierra Leone Police continue to act as the primary interlocutors and government actors on TIP, supporting action from other Ministries is rare to non-existent. This has placed a great deal of pressure on international and non-governmental organizations to implement activities that range from prevention to protection services. Without continued donor support for such activities, they are unsustainable.

In this environment, where government action is limited by the lack of resources, capacity, and competing priorities, trafficking continues to thrive. Cases continue to be identified throughout the country, most of which involve children, and including both sex and labor trafficking. The methods of trafficking have not changed, and the incidence of the problem has yet to be quantified, but based on caseloads and media reports, trafficking over the reporting period at least maintained previous levels. With limited implementation of the 2005 anti-trafficking law, general lack of police capacity, and continued dire poverty, Sierra Leone remains a country ripe for both internal and external trafficking. Without constant engagement and support from outside entities, it is highly likely that the TIP problem will worsen in the years to come. Post intends to increase its advocacy on this issue at the highest levels of government.

¶2. (U) Embassy POC for TIP issues is Political/Economic Officer Amy LeMar, Tel: 232-22-515-00 ext.5120. Approximately 45 hours were spent preparing this report by FSO (FP-03), and approximately 10 hours by FSH assistant (FSN-10). The Ambassador (FA-MC) spent approximately two hours on the report and the DCM (FO-01) spent approximately three hours.

¶3. (SBU) Begin TIP Report:

OVERVIEW

A) Sierra Leone's trafficking problem generally appears to be internal. Sierra Leone is also a source and destination country for international trafficking. All sources on trafficking indicate that children appear to be more at risk of being trafficked than adults. However, it is possible that there is greater willingness of Sierra Leoneans to report crimes against children versus adults. Also, the assumption that children are more vulnerable might lead officials and organizations to focus more exclusively on that population, and be less aware or mindful of adult victims.

Although there are no accurate statistics quantifying the extent of the problem, all indications suggest that women and children are trafficked from the provinces to towns and mining areas for prostitution, and children are trafficked from rural areas into the city and mining areas for forced labor, including domestic work, petty trading, begging, and petty crime. Trafficking may also occur in the fishing and agricultural industries as well as in connection with customary practices such as forced and arranged marriages and ritual sacrifice. Former child soldiers, some of whom remain with their former commanders, are at-risk of being recruited in other regional conflicts.

Persons have been trafficked out of Sierra Leone to destinations in West Africa, the Middle East, and Europe. Other Sierra Leonean trafficking victims have been reported in France, Germany, Lebanon, Liberia, Guinea, Cote d'Ivoire, Nigeria, Guinea-Bissau, and The Gambia. Other suspected destination countries include Austria, Belgium, Ireland, Italy, and Israel, mostly because Sierra Leonean unaccompanied minors and/or illegal immigrants were identified there.

While there have been no documented cases of Sierra Leone as a transit country, it is a plausible assumption. Sierra Leone has porous, generally unmonitored borders. Fraudulent documentation is easy to locate and inexpensive to purchase. Given the amount of goods, both legal and contraband, that pass through Sierra Leone on any given day, it is highly likely that victims from the sub-region are part of this traffic through the country. In terms of destination, a recent case involved five Nigerian victims, and there have been cases of foreign nationals and refugees becoming victims of trafficking due to their vulnerability. Also, ethnic links with other countries (e.g., Guinea, Lebanon, China) provide an opportunity for Sierra Leone to be used as a destination country.Q

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B) Children and youth, defined as 15-35 years in age, constitute approximately two-thirds of the country's population of 6 million, and only 61 percent of children aged 0-16 live with their parents. Traumatic experiences during the war, shattered extended family networks and social structures, and extreme poverty make it much more difficult to protect children.

Migration in Sierra Leone is a common social norm driven by the dire economic situation in the country. To illustrate, Sierra Leone ranks last out of 177 countries in the Human Development Index, including last in terms of maternal/child health and also has the world's high rate of infant mortality. Within this context, trafficking is more difficult to combat, because impoverished parents face difficult decisions with regards to how to care for and educate their children. Cultural norms, as well, add to the complexity. Child fostering, for example, by placing children with wealthier relatives, is commonplace. While many children benefit from such arrangements and receive education and assistance that they would have lacked had they remained at home, it is a system that is vulnerable to abuse and can lead to trafficking and slavery (involuntary servitude).

Relatives or family friends reportedly traffic children to Freetown with false promises to parents that the children will be sent to school. These friends and relatives put children to work in the home, where they can also be sexually exploited, or placed on the street to engage in petty trading or prostitution. Sometimes children remain on the street because they are afraid to return to their relative's house.

There is no law against prostitution and it is widespread in Sierra Leone. Many women and girls enter into prostitution independently, often due to economic pressures; however, there continue to be allegations that female pimps (kaklat) or relatives recruit girls for prostitution directly from villages. There is also a small cadre of known pimps in the Freetown area, and reports of several brothels in operation, but this is not a dominant characteristic of prostitution in Sierra Leone. Some women who engage in prostitution may be doing so out of desperation to escape from other exploitive situations, such as early marriage or domestic servitude.

C) The Ministry of Social Welfare, Gender and Children's Affairs (MOSWGCA) and the Sierra Leone Police (SLP) take the lead on anti-trafficking efforts in Sierra Leone, and the Ministry of Justice is the designated co-chair with the MOSWGCA of the Inter-Ministerial Committee on Trafficking and the TIP Task Force. The Inter-Ministerial Committee also includes the Ministries of Education, Internal Affairs, Information, Labor, Health, Foreign Affairs, Local Government, Youth, and Tourism. The TIP Task Force includes representatives from all ministries in the Inter-Ministerial Committee as well as the Principal Immigration Officer, the Commissioner of Police in charge of Crime Services, the Ombudsman, and representatives from civil society and international organizations.

D) Sierra Leone continues to recover from an 11-year old civil war during which the country was a failed state. Sierra Leone has occupied the bottom ranks of the Human Development Index since 1998. There is an overwhelming lack of capacity in the Government of Sierra Leone (GoSL), and many competing critical needs. The Government is effectively bankrupt, with donors providing 60 percent of the country's budget. Corruption is entrenched. The police, judiciary, and social welfare institutions are critically understaffed, have very limited budgets, and have trouble meeting their basic mandates. While the Government identifies that TIP is an issue, finding resources and building capacity to combat the problem will remain a serious problem well into the future.

There is political will to combat trafficking in persons, though the extent of the efforts put forth by the new administration under President Ernest Bai Koroma remains to be seen. The SLP and MOSWGCA lack sufficient funding to carry out their basic duties. Training of staff on the anti-trafficking law or victim protection is done by non-governmental and international organizations. No government-funded victim services exist, and there are no government-operated shelter services.

The TIP Task Force, as mandated by the Anti-Trafficking Act passed in 2005, is designated to systematically monitor anti-trafficking efforts (prosecution, prevention, and protection). The Task Force met monthly for part of the year, but stopped regular meetings in the run-up to the elections. In the past six months, it met every other month. This is in direct contrast to previous years when the Task Force met bi-monthly. Also, the Task Force composition has gradually changed since its inception. While the anti-trafficking law directly identifies the Ministries to be involved, very few send representatives to the meetings. The participant ratio has thus

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become heavily weighted towards international and non-governmental organizations. While their participation is vital to the activities of the Task Force, lack of government participation by all but a few ministries hinders the ability of the Task Force to effectively coordinate and encourage other government efforts.

One reported reason for lack of government involvement in the Task Force is the issue of sitting fees. Section 7 of the anti-trafficking law stipulates that members of the Task Force should be paid an allowance determined by the MOSWGCA, Attorney-General and Minister of Justice, in consultation with the Minister of Finance. Given that the latter has never provided funding for any anti-trafficking related work, and that the Ministry of Justice is one agency that rarely attends Task Force meetings despite its co-chair status, the issue of sitting fees has never been addressed. It is reported, thus, that Ministries will not send representatives since they will not be paid.

Those participating regularly on the Task Force, however, such as the MOSWGCA and organizations like the International Organization on Migration (IOM), UNICEF, and the Faith Alliance Against Slavery and Trafficking (FAAST), share information about cases and discuss next steps and planned activities.

E) The lack of significant government involvement in the Task Force, lack of meetings of the Inter-Ministerial Committee, and lack of GoSL funding to support initiatives that were mandated by the

anti-trafficking law mean that coordination remains poor and there is no mechanism in place to adequately give assessments of anti-trafficking efforts. Information is not made public; however, the Government does make trafficking-related information available to international organizations, non-government partners, and others upon request.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

A) Former President Kabbah signed the Anti-Human Trafficking Act in August, 2005. The law prohibits trafficking for labor, sexual exploitation, illicit removal of human organs, and exploitation during armed conflicts. The law covers both internal and external trafficking and is consistent with the Palermo Protocol.

The Child Right Act was passed in 2007 by the outgoing Parliament. This Act brings Sierra Leone into compliance with the U.N. Convention on the Rights of the Child. It includes provisions related to children associated with armed conflict, forced marriage, and exploitive child labor. Child trafficking is mentioned in Section 60 (1) (k), as a crime that must be investigated by the district council and its child welfare department if identified. Section 60 (1) (i) and (1) (j) puts the same stipulation for investigation on incidents involving children living with or associating with known prostitutes, other than their mother.

B) Convicted traffickers face up to ten years of imprisonment, fines of 50 million leones (approximately \$17,000) and victim restitution costs.

C) Penalties are the same for trafficking for labor and sexual exploitation.

D) Under the Offenses Against the Person Act of 1861, rape of a person over the age of 16 carries a potential penalty of life imprisonment, which is more severe than the penalty for sex trafficking.

E) No law specifically prohibits prostitution, but there are laws against operating brothels and procuring a female by threats or coercion for the purpose of prostitution. Government officials have become more vigilant in closing down brothels, including one notable bust in 2007, though such busts are rare. Prostitutes are sometimes arrested for other crimes, including loitering.

F) The SLP conducted 14 investigations between January and December 2007. In five cases the accused were charged with trafficking and are in court, and three cases are still under investigation. (NOTE: Post is still awaiting final figures on prosecutions from the Director of the Public Prosecutor. These should be available on March 10. END NOTE.)

G) The Government does not provide specialized training, but does make law enforcement officers and other government officials available to attend trainings conducted by organizations. IOM, UNICEF, and FFAST provided training to government officials over the past year. The vast majority of the training was funded by the USG.

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H) There are no current cooperative international investigations of trafficking.

I) The Extradition Act of 1974 allows for extradition of persons subject to crimes committed in the country of the offense, but there have been no requests to extradite a suspect for trafficking. The Extradition Act allows for the extradition of Sierra Leone nationals to other countries for trial.

J) There are no known instances of GoSL authorities facilitating or condoning trafficking; however, prevalent social attitudes and lack of government capacity and awareness mean that barriers to trafficking are low. Low-level government officials who forge documents such as birth, marriage, and death certificates rarely

suffer punishment, but there is no proof that these forged documents are used to facilitate trafficking. Further, border officials are low-paid and continue to struggle with the concept of trafficking versus smuggling. It is possible that such officials are bribed to enable the easy movement of people and goods, but a direct link between that kind of corruption and trafficking cases has yet to be uncovered.

K) N/A

L) N/A

M) N/A. Sierra Leone does not have an identified sex tourism problem. Inappropriate sexual conduct by tourists or business people while in the country appears to be opportunistic, and not the purpose of their visit to Sierra Leone.

PROTECTION AND ASSISTANCE TO VICTIMS

A) The Government does not provide assistance to foreign trafficking victims.

B) Victim care facilities are available to victims, including foreign victims. IOM operates the only trafficking shelter in the country in Freetown, which can house 22 victims at one time. Victims in IOM's care also receive reintegration services for up to one month, including counseling and education before being returned to their families and communities. These efforts are coordinated through the Task Force.

To access services, victims are generally referred through the SLP's Family Support Units (FSUs). When a trafficking case is suspected, the FSU calls the MOSWGCA to send its TIP focal point person to conduct an interview. If the MOSWGCA confirms that the situation involves trafficking, the victim is transferred to IOM for services and support. IOM follows its own intake procedures upon referral, to ensure that it is serving a bona fide trafficking victim. While this process resulted in a number of referrals over the past year, it is not foolproof. Cases from certain parts of the country are not being referred to the Ministry or IOM, primarily because there are no means to transport victims to Freetown. Also, the rainy season makes passage to Freetown from some locations, such as the mining areas, nearly impossible. Thus far, solutions to circumvent these problems have not been identified (NOTE: IOM submitted a proposal to the G/TIP FY2008 Call for Proposals that includes opening a second shelter facility that would service the mining region. END NOTE.). In the period of March 2007 through February 2008, IOM assisted 87 victims.

C) The Government does not provide funding to organizations that assist trafficking victims. It hosts task force meetings, and participates in the referral procedure, but does not provide a monetary contribution to any efforts. These efforts are nominal, and thus difficult to monetize.

In March 2008, the GoSL will make available a new shelter space in Freetown, which will replace the space currently rented by IOM. Following renovations, which IOM will fund using its PRM grant, the new shelter will be open for victims. The renovations are expected to take approximately 30 days to complete. The provision of this space, an in-kind contribution by the MOSWGCA, will save IOM approximately \$1,000 in grant funds per month.

D) The FSUs refer victims to the MOSWGCA, but only when cases become known to them. This referral system is discussed in (B) above. According to the FSU database, 14 victims were identified and referred for assistance in the 2007 calendar year. This number is inaccurate, because some cases not being referred to FSUs. Rather they remain only in SLP General Duty rosters. Also, some Districts do not report their cases in a timely or accurate manner. The SLP acknowledges that their statistics underestimate the problem, but

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have no means of ensuring better reporting by offices in the

provinces. Further, IOM has assisted some victims who have not fallen under the purview of the FSU. These factors, in part, explain the discrepancy between the numbers.

E) N/A

F) The rights of victims are respected, though there is still confusion among authorities on what constitutes trafficking. It is thus likely that some victims fall through the cracks and do not receive the care they require.

G) Victims are encouraged to participate in the legal process, but the general efficiency of the justice sector has frustrated these efforts. While victims are permitted to be active participants in investigations and court proceedings, many lose patience between the period of identification and the case going to trial. This can result in cases being dropped, since most cases cannot be successfully tried without the victim as a witness. The cost of transportation is another deterrent preventing victims from participating fully in a trial, because they must bear the cost of transportation to the court in order to testify.

An additional problem is that social factors often prevent women and children who are victims of sexual and other violence from obtaining justice in the court system. Rape cases, for example, are often settled out of court by male family members. One potential reason why so few Districts report TIP cases is that communities choose to use traditional forms of justice to address the alleged perpetrators, rather than work through the formal system. Such social factors can serve as a barrier for trafficking victims to access the justice they are entitled to under the anti-trafficking law.

The law does provide for victim restitution, but there is yet to be a victim who has received any kind of civil damages for abuse or hardship suffered during their trafficking experience.

H) There are no witness protection programs available. However, victims referred to IOM receive protection and care.

I) The Government does not provide training on identifying trafficking victims, though officials are permitted to attend training sessions offered by NGOs and IOs. The Government does not provide training to its embassies and consulates in foreign countries, nor does it encourage its embassies and consulates to develop ongoing relationships with NGOs that serve trafficking victims.

J) The Government does not provide assistance to its repatriated nationals, though victims do receive assistance upon arrival from IOM.

K) Organizations provide protection services, awareness training, vocational training, and counseling. They include UNICEF, UNHCR, ICRC, IOM, FFAST, CVT, International Rescue Committee, Save the Children, Defense for Children International, CARITAS, COOPI, Human Rights Youth Coalition, Don Bosco Fambul, Women in Crisis Movement, Christian in Action Development Agency, FAWE, and GOAL SL.

PREVENTION

A) The Government does acknowledge that trafficking is a problem.

B) The Government did not run anti-trafficking information or education campaigns during the reporting period. There are no campaigns or efforts targeted at the demand-side.

C) The relationship between government officials and organizations is generally a cordial one, though the onus is often placed on non-governmental actors to conduct activities and maintain momentum. The apparent lack of interest by various government ministries creates some tension between organizations working to address TIP and ministries that will not engage on the issue.

D) The Government does not appear to monitor immigration and emigration patterns for evidence of trafficking.

E) The Task Force is the primary mechanism for coordination between all relevant agencies, though it is sparsely attended on the Government side. The Government has a single focal point on TIP within the MOSWGCA, but the standard for personnel, as written in the anti-trafficking law, is not being maintained. The statute calls for the creation and funding of a TIP Secretariat that will coordinate all anti-TIP efforts, but the Secretariat has yet to be

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funded despite promises made by the previous administration. As a result, the TIP focal point and representatives from different organizations play a far more substantial role in convening meetings and organizing and conducting activities than they would if the Secretariat was funded and established. The 2008 budget has already

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been presented to Parliament, and did not include funding for this effort. It will require advocacy by many actors to try to ensure that funding for the Secretariat and activities are in next year's budget.

F) The Government does have a national plan of action, which was created by the Task Force in conjunction with an ECOWAS consultant (NOTE: This consultant was paid with USG money through the G/TIP UNICEF project. END NOTE.). The 2007 plan was implemented throughout the year, but the three-year action plan is only now being discussed and validated by Task Force members. It will need to receive further validation from the Inter-Ministerial Committee, which could cause considerable delay in its acceptance and implementation. The agencies primarily involved in developing the action plan were MOSWGCA, IOM, UNICEF, and FFAST.

G) The Government has not taken efforts during the reporting period to reduce the demand for commercial sex acts.

H) N/A

I) N/A